UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF TEXAS LUBBOCK DIVISION

ROBERT KINNEY,)	
Plaintiff,)	
v.)	CIVIL ACTION NO.
	,)	5:09-CV-008-C
MICHAEL J. ASTRUE,)	ECF
Commissioner of Social Security,)	
Defendant.)	

ORDER

Plaintiff is appealing an adverse decision of the Defendant, Michael J. Astrue, Commissioner of Social Security, pursuant to 42 U.S.C. § 405(g). The United States Magistrate Judge filed a Report and Recommendation on August 28, 2009. Neither party has filed written objections. It is, therefore,

ORDERED that the findings and conclusions in the Report and Recommendation are hereby **ADOPTED** as the findings and conclusions of the Court and that the decision of the Commissioner is **REVERSED** and the case **REMANDED** for further administrative proceedings.

Dated September 17, 2009.

SAM R. CUMMINGS UNITED STATES DISTRIC